

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEONDRE WALKER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:22CV433

MEMORANDUM AND ORDER

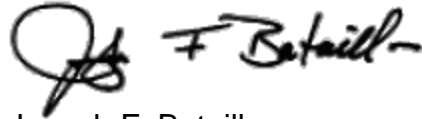
Petitioner filed what the Court has docketed as a Petition for Writ of Habeas Corpus, [Filing No. 1](#), and a Motion for Leave to Proceed in Forma Pauperis, [Filing No. 5](#). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this Court (see inmate trust account statement at [Filing No. 8](#); [Filing No. 9](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. See [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Proceed in Forma Pauperis, [Filing No. 5](#), is granted.
2. Petitioner is reminded that he has until **January 30, 2023** to either withdraw his pleading, [Filing No. 1](#), if he does not want this action to proceed as one brought pursuant to [28 U.S.C. § 2254](#) or to file an amended petition for writ of habeas corpus. See [Filing No. 4](#). Failure to take either action will result in dismissal of this matter without prejudice and without further notice to Petitioner.

Dated this 26th day of January, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Judge